

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 48 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

TULSIDAS KURJIBHAI KALARIYA

Versus

GUJARAT ELECTRICITY BOARD

Appearance:

MR YN OZA for Petitioner
MR TUSHAR MEHTA for Respondent No. 1 to 3
MR RD DAVE for Respondent No. 4

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 10/04/96

ORAL JUDGEMENT

1. Rule. Mr. Tushar Mehta appears and waives service of Rule for and on behalf of Respondents No. 1 to 3 and Mr. R.D. Dave appears and waives service of Rule for respondent No.4. With the consent of the learned advocates appearing for the parties, the matter is finally heard today.

2. This Civil Revision Application is preferred by the original plaintiff against the judgment and order rendered by the Third Extra Assistant Judge, Rajkot at Gondal rendered in Civil Misc. Appeal No. 82 of 1995. The lower appellate court directed that the appellant will be entitled to reconnection of electricity connection on depositing 50 per cent of the amount with condition that the said amount shall be deposited with the GEB within one month. The rest of the conditions imposed by the trial court were maintained.

3. The petitioner plaintiff is aggrieved by such order. After hearing the learned Advocates appearing for the parties, at the intervention of this Court, some consensus is reached. It is found that according to GEB, amount of Rs. 1,37,736.25ps is payable by the petitioner (the liability of the previous consumer) to the GEB if it is treated as reconnecting the old connection. 50 per cent of the said amount would work out in the vicinity of Rs. 65,000/-. In the facts and circumstances of the case and more particularly when the petitioner plaintiff is not in a position to start his business in the unit which he has purchased, following directions are issued with the consensus of the parties.

- (i) The petitioner shall pay an amount of Rs. 30,000/- (Rupees thirty thousand only) to the Gujarat Electricity Board within a fortnight from today and the said amount shall be accepted by the Board as outright payment of the initial admitted liability of the petitioner (the liability of the previous consumer).
- (ii) The balance amount after deducting the aforesaid amount of Rs. 30,000/- so as to total up the amount of Rs. 65,000/- shall be paid by the petitioner plaintiff in monthly equal instalment of Rs. 5,000/- (Rupees five thousand only) beginning from 1st of June, 1996 within first week of every calendar month.
- (iii) In case of any default being committed by the petitioner plaintiff, the parties shall be at liberty to move this court.
- (iv) The balance amount which is ordered to be paid by this Court, shall be treated as deposit by the GEB and shall be kept as such till the suit is decided.
- (v) On payment of the amount of Rs. 30,000/- within a

fortnight from today, the GEB shall reconnect the electricity connection on payment of reconnection charges.

3. In view of the aforesaid direction, this Civil Revision Application succeeds to the aforesaid extent and the order of the Lower Appellate Court is to be treated as modified and substituted by the aforesaid direction of this Court. Rule is made absolute to the aforesaid extent only. No costs.
